

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: AW/219/20/T

LOCATION: 7 Willowhale Avenue
Aldwick
PO21 4AU

PROPOSAL: 1 No. Macrocarpa (T1) remove hangers & deadwood. Crown lift of 1 No. Macrocarpa (T3) to 5m above ground level. Crown lift of 1 No. Macrocarpa (T5) to 6m above ground level. Fell 5 No Macrocarpa trees (T2, T4, T6, T8 & T9)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 7 Willowhale Avenue.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/213/18/T	Fell 1No. Macrocarpa and crown lift 1No. Macrocarpa to a height of 4.5m	ApproveConditionally 28-09-18
AW/60/08/T	Remove dead damaged branches to Macrocarpa and reduce part of crown by 15%	ApproveConditionally 22-04-08
AW/99/05/T	Cut back overhanging branches by approximately 2 metres and remove dead/diseased branches to 4 no. Macracarpa trees	ApproveConditionally 21-06-05
AW/184/01/T	Lopping by one third off height and thinning one Sycamore tree.	Withdrawn 24-10-01
AW/38/13/T	9 x Macrocarpa: Lift crowns to 3m, reduce height to 10m (a reduction of 1-3 m on present height), remove dead wood and balance shape. Remove large branch overhanging neighbour's garden at No. 5. Fell 1No. Larch and a screen of 8No. Leylandii.	ApproveConditionally 04-04-13

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

There is one Tree Preservation Order affecting this site (Bognor No.2), an area Order made in 1958. Having considered the submitted scheme of proposed tree work, I am satisfied that only items T1, T2, T3, T5 and T7 might have been established at that time. Consent from the local planning authority is not required for any work proposed for T4, T6, T8 & T9.

All trees have previously been the subject of height reduction pruning which has left most of them with a 'hollowed out' appearance and erratic form. The larger and apparently older specimens are collectively an interesting feature, providing some visual amenity but mostly to surrounding properties and of relatively low public amenity value.

T1 - Appears generally stable and in fair physiological condition. The removal of dead or hanging (broken) branches qualifies as an exception from the normal application process and does not require consent from the local planning authority.

T2 - This tree is in very poor condition and will not recover. Its removal can only benefit the two healthier specimens either side.

T3 - The removal of low branches to achieve 5m clearance above ground level is not justified on arboricultural grounds and exceeds that which is recommended in the British Standard (BS3998:2010) Tree work - Recommendations. Lesser works would be appropriate (see Advisory).

T5 - The removal of low branches to achieve 6m clearance above ground level is not justified on arboricultural grounds and exceeds that which is recommended in the British Standard (BS3998:2010) Tree work - Recommendations. Lesser works would be appropriate (see Advisory).

Conclusions:

T1 - Work proposed does not require consent from the local planning authority.

T2 - The work proposed is necessary to mitigate an established risk of damage to property and so justified on arboricultural grounds.

T3 & T5 - The principle of work proposed is supportable, although the extent is unnecessarily severe and if enacted to the maximum extent on all aspects would result in a damaging loss of crown volume.

Recommendation:

As it stands, I recommend REFUSAL for this application.

Advisory:

I would like the applicant to agree to revise T3 and T5 element of the work proposal, such as detailed below, which would seem to address their concerns whilst preventing a diminution of the trees landscape value:

- T3 Remove two lowest branches on west aspect to achieve 3-4metres overhead clearance on all aspects.

- T5 Remove two lowest branches on east aspect to achieve approximately 3metres overhead clearance on all aspects.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition to Be Applied to Approved Work: -

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, it is recommended consent be refused.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

1 The extent of works to T3 and T5 is unnecessarily severe and if enacted to the maximum extent on all aspects would result in a damaging loss of crown volume

2 Advisory:

T1 - Work proposed does not require consent from the local planning authority.

T2 - The work proposed is necessary to mitigate an established risk of damage to property and so justified on arboricultural grounds.

The applicant should revise T3 and T5 elements of the work proposal as detailed below, which would seem to address their concerns whilst preventing a diminution of the trees landscape value:

- T3 Remove two lowest branches on west aspect to achieve 3-4metres overhead clearance on all aspects.

- T5 Remove two lowest branches on east aspect to achieve approximately 3metres overhead clearance on all aspects.

- If the applicant is prepared to re-submit in line with this advice, the Tree Officer would be able to recommend APPROVAL subject to the following condition: